

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION,  
INC., et al.,  
Plaintiffs

V.

ENVIRONMENTAL PROTECTION  
AGENCY, US, et al.,  
Defendants.

C.A. No. 15-11727-MLW

## ORDER

WOLF, D.J.

February 10, 2016

Plaintiffs Conservation Law Foundation, Inc., and Charles River Watershed Association, Inc., filed this action on April 28, 2015. On July 31, 2015, NAIOP Massachusetts, the Commercial Real Estate Development Association ("NAIOP") moved to intervene. On August 26, 2015, before the complaint was served, the plaintiffs entered a notice of voluntary dismissal without prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), "the plaintiff may dismiss an action without a court order by filing [ ] a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." The plaintiffs have exercised that right here. Therefore, there is no longer any case in which NAIOP can intervene.

In view of the foregoing, it is hereby ORDERED that:

1. This case is DISMISSED without prejudice.
2. NAIOP's Motion to Intervene (Docket No. 6) is MOOT.

3. The plaintiffs' Assented to Motion for Extension of Time to Serve Complaint (Docket No. 11) is MOOT.

  
UNITED STATES DISTRICT JUDGE